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FEB 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,553,299
Issued: June 30, 2009
Application No. 10/790,024
Filed: March 2, 2004
Dkt. No.: 02481.1837

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION
:

This is a decision on the petition filed August 24, 2009 requesting that the patent term adjustment be increased from 435 days to 901 days.

The request for reconsideration of the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**.

The patent is entitled to an overall adjustment of 827 days.

The above-identified application issued as U.S. Pat. No. 7,553,299 on June 30, 2009. The patent issued with a patent term adjustment of 435 days. The instant application for patent term adjustment was timely filed August 24, 2009. Patentees assert entitlement to an additional adjustment of 644 days for the Office's failure to issue the patent within three years of the date that the application was filed.

Review of the record reveals that the application is entitled to an adjustment of 466 days pursuant to 37 CFR 1.703(a)(1) plus an adjustment of 644 days pursuant to 37 CFR 1.703(b) less 74 days in connection with the Notice of Appeal filed June 27, 2008 pursuant to 37 CFR 1.703(b)(4) less 209 days of applicant delay pursuant to 37 CFR 1.704.

In view thereof, the patent is entitled to an overall adjustment of 827 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

The required \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to the authorized deposit account. No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 827 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,553,299

DATED : June 30, 2009

DRAFT

INVENTOR(S) : Veasey, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 435 days

Delete the phrase "by 435 days" and insert -- by 827 days --